

1884-020 Chancery Causes: John Jayne to us. William Jayne, Sr. to
Lee Co.

Davault, Copeland, Taylor, Wood, Clark, Mploy, Jones,
Warren, Charville, Johnson, Sims, Babb, Muncy, Southern,
Daugherty, Albert, Jesse, Robinson, Duncan

2 Plats

CA-Estate Dispute
T-Property

-Deed

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County Virginia

Annibly complaining your Orators
John Jayne James W. Jayne Martin S. Jayne
Eleanor Jayne, would respectfully show to your
Honor that James Jayne in his lifetime by his
deed bearing date on the day of May 1858
conveyed to Russell B. Davault and Moriah
his wife two tracts of land adjoining each
other containing, together by estimation 168
acres, all of which will fully and at large appear
by reference to said deed a copy of which is
herewith filed marked (A) Your Orators and or
atrix are advised that by this conveyance a
moiety of said land vested in the said R. B.
Davault and the other moiety thereof vested in
the said Moriah Davault. The said Moriah
Davault died intestate and without issue and
her moiety of said land descended to her brother
and sisters and their descendants. The said
Moriah Davault (formerly Moriah Jayne) had
seven brothers and sisters of the whole blood to wit
John Jayne James W. Jayne Martin S. Jayne
Eleanor Jayne, Elizabeth Jayne, who enter

married with Rodney Warren. L. S. Jayne. Lucy
Jayne who intermarried with William Muncy
and three brothers and sisters of the half blood
to wit William Jayne sen. Abigail Jayne who in-
termarried with Henry Daugherty and Cath-
arine Jayne who intermarried with Martin Sims.
She said Elizabeth Warren is now dead and she
left the following children her heirs at law to wit
Susan who intermarried Jacob Copeland Eliza-
beth who intermarried with M. T. Taylor Eleanor
who intermarried with Vincent Wood Jenny who
intermarried with D. C. Clark. Mary who inter-
married with J. T. Maloy Hannah who intermar-
ried with Thomas Jones. Martin S. Warren
Marion Warren and J. P. Warren. Claiborne S.
Jayne is also dead leaving the following children
his heirs at law, to wit Cynthia A. who first inter-
married with R. B. Doranlt who died and she
is now the wife of William Babb. Mirron
who intermarried with L. H. Charlill. James
H. Jayne and Samuel Jayne. Lucy Muncy
is also dead leaving the following children
her heirs at law to wit James Muncy. Han-
nah who intermarried with Samuel Jones.

and Elizabeth who intermarried with Nathaniel Southern. Catherine Sims is also dead leaving the following children her heirs at law to wit John D Sims James M Sims and Rf. Burchett a daughter of Sims. The said Rf. Burchett intermarried with Richmond Johnson. After the death of the said Moriah Doranlt her husband the said R. B. Doranlt continued to use occupy and enjoy said land as well the moiety of the said Moriah as his own until his death which occurred on the day of 1875. After the death of his first wife the said R. B. Doranlt intermarried with Cynthia A Payne, a niece of his first wife, and since his death Dower has been assigned her in his lands, and as your orators and oratrix are informed the most if not her entire dower is embraced in said tracts of land conveyed jointly to him and Moriah Doranlt. The said R. B. Doranlt by his last wife had two children to wit, Mary and Jacob Clarborne Doranlt who survived him and to whom his moiety of said land descended. Now the object of your orators and oratrix bill is to have said two tracts

of land partitioned between the heirs of R. B.
Dorant and the heirs of Mariah Dorant
and to have the moiety laid off and assigned
to the heirs of Mariah Dorant partitioned
among her heirs, and if this cannot be done
without material injury to those entitled there
to and your orators and oratrix do not believe
it can be done, then to have it sold and the
proceeds of sale partitioned among them
according to their respective rights, to this
end they make, Susan Leopold and Jacob
Leopold her husband Elizabeth Taylor and
Herbert Taylor her husband Eleanor Wood and
Vincent Wood her husband Henry Clark and
D. C. Clark her husband Henry Maloy and
J. T. Maloy her husband Hannah Jones and
Thomas Jones her husband Martin S. Warren
Marion Warren, J. P. Warren, Cynthia A. Bobb
and William Bobb her husband Mervin
Charterville & G. W. Charterville her husband James
H. Jayne, Samuel Jayne Jacob C. Dorant
Mary J. Dorant (the last three of whom are
infants), James J. Murrey, Hannah Jones
and Samuel Jones her husband Elizabeth

Southern and Nathaniel Southern her husband
Abigail Daugherty H^m Payne sen. John D
Sims James Mc Sims and R. F. Johnson
and Richmond Johnson her husband parties
defendants, and they pray that each one of
the adult defendants be required to answer
the several allegations hereof on oath that
a guardian ad litem be appointed for the
infant defendants and required to answer
for them, that upon a final hearing partition
be made between the heirs of Moriah Dorant
and the heirs of R B Dorant, that the moiety
of said lands assigned to the heirs of Moriah
Dorant be partitioned among them or if
this cannot be conveniently done then that
said moiety be sold and the proceeds of sale
be partitioned. and for such other further
special and general relief as is suited
to their case May App^r issue &c.

M O Duncan for
Complainants.

828.36 Apr 20 80

John Jayne et al.

28. ~~Original Bill~~

on Payne son at al

1878, Sept 27th O. D.

Wm. H. Cor. 2nd St. & 1st St. A. L. for the

1880. Nov & Dec Contd.

Decy 25. 249

4
 8
 Mr
 G. A. L.
 Court

Chetumal

Geo L

Hyatt Collr 1.75

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County Virginia.

Your petitioner. John Jesse would
respectfully represent and show to your Honor
that he is the Guardian of one Samuel Jayne
an infant under the age of 21 years, aged 17
years and a resident of this County and that
he is the guardian in this State of one Minerva
Chorlevill. Late Minerva Jayne who is now a
resident of the State of Texas That said Minerva
is an infant under the age of 21 years, aged
19 years. That the said Minerva Chorlevill
and Samuel Jayne are two of heirs of Claiborne
S. Jayne late of this County now deceased. That
said Claiborne S. Jayne at the time of his death
was seized and possessed of a valuable tract
of land situated in said County and lying
and Wallens Creek. That dower has been as-
signed in said land to the Widow of said
Claiborne S. Jayne dead who survived him
and That lately one James H. Jayne, a
son and heir of said Claiborne S. Jayne
has filed his original bill in this Court ask-
ing and seeking a partition of said lands
That Commissioners have been appointed
who have made the partition thereof and
filed their report of the same, which report
together with the bill proceeding and done
in the cause of James H. Jayne against

Leynthia A. Darault is here referred as
part of this petition. By an inspection
of which it will be found that the commission-
ers have assigned to your petitioners words
lots no 3. & 4 in said portion adjoining
each other. Your Petitioner alleges and asserts
that it will be greatly to the interest of his words
if said lands were sold and the proceeds there-
of invested in other lands. Your petitioner
will now attempt to show to your Honor why
it will be to the interest of his words to make
said sale. and first ~~as to~~ said lands
are situated anything like a fair portion
thereof required the commissioners to run
the portion lines from the top of the ridges
to the top of the mountain or leeches of
the tract which they did, and which makes
the several shores very narrow and incon-
venient especially to fences, and secondly one
of your petitioners as before shown resides
in Texas is married and desires very much
that her share should be sold and the
proceeds thereof invested in lands in the
State of her adoption and thirdly if said
lands are sold the sum which they will
realize put to interest will yield or longer
income than the rents and profits of said
land will yield. Now the object of this
portion is to obtain a decree for the

sale of the shares aforesaid laid off and
assigned by the commissioners in the
suit of James H. Jayne against Cynthia
H. Darvall et al. to Samuel Jayne and
Minerva Chorbell and also their reversion
any interest in the dower laid off and assign-
ed to Martha Jayne widow of the said C. S.
Jayne deceased to this end he prays that
the said James H. Jayne may be required to
answer his bill making your petitioner a
party thereto and that your petitioner be allowed
to take proof, that ~~the~~ the guardian ad litem
of the said Minerva Chorbell and Samuel
Jayne answer the allegations in this petition
and that upon a final hearing that a
decree may be rendered directing the
sale of said land and for general relief
your petition will further state that if said
children or either of them should die that
their heirs would be their brothers and sis-
ters all of whom are before the Court in
this suit. May it be.

Morrison & Diman
Attorneys
John Jesse Guardian &c
Virginia Lee County Court

This day John Jesse Guardian &c
personally appeared before me James
H. Orr Clerk and made oath that the
facts stated in the foregoing petition are

for as stated on his own knowledge on
true and so far as stated on informa-
tion derived from others he believes
them to be true Given under my
hand this 3rd day of December 1877
James W. Orr Clerk

John Jesse Amundson
vs. M. Peterson,
James H. Payne et al

To the Honorable John A. Kelly Judge of the
Circuit Court of the County Virginia

Humbly complaining your Petition
er. Samuel Jayne an infant under the
age of 21 years to wit aged 19 years by John
Jayne his guardian & next friend and your Petition
er. G. H. Lehorville in his own right and as the
husband and next friend of his wife Minerva
Lehorville late Minerva Jayne who is also an infant
under the age of Twenty one years to wit aged 17 years
would respectfully show to your Honor That one
Clairborne S. Jayne was seized and possessed
in his lifetime of a valuable tract of land situated
in said County and lying on Hallens Creek
some 5 miles southwest of Foursville; That being
so possessed he departed this life intestate leaving
his widow Mrs. Martha Jayne who has since re-
married with one John S. Robinson and the
following children and heirs at law to wit
Levithia S. Jayne who intermarried with one R. B.
D. Small since deceased James H. Jayne Sam-
uel Jayne and Minerva Jayne who has since
intermarried with the said G. H. Lehorville to
whom said land descended. That down in said
lands have been laid off and assigned to the
widow of said Clairborne S. Jayne and that
lately James H. Jayne one of the heirs of said
Clairborne S. Jayne has filed his original bill
asking for a portion of said land among the

heirs of said lateborn S. Jayne that by a decree
of your Honors Court rendered and pronounced on
the 5th day of September 1877 in said suit commissioners
were appointed for the purpose of making
said partition. That said commissioners
pursuant to said Decree have made partition
thereof, and filed on the 5th day of November 1877
their written report thereof assigning to each
of said heirs by metes and ^{their respective shares of said land} bounds, all of which
will fully and more at large appear by reference
to the bill and proceedings in the chancery cause
of James S. Jayne vs. Leptine Dorant it also still
pending in your Honors Court and in which suit
this partition is filed. By an inspection of the
report of said commissioners it will be seen that
said tract is very long from north to South ~~road~~
~~way~~ or extending from the top of Holler's ridge to the
top of Powell's Mountain. That said partition is made
lengthwise of said tract and must necessarily be
so made, in order to give to each share an equal a-
mount of the valuable land. Hence the share laid
off and assigned to the said Samuel Jayne and
Minerva Lehorlevill are very long and extremely
narrow, in fact the share of the said Minerva
Lehorlevill is cut into two parts. Now your partition-
ers represent to your Honor that the shares of the
said Samuel Jayne & Minerva Lehorlevill are
laid off adjoining each other and that they
would if kept together make a desirable lot.

form but that if separated it will very materially
injure and impair the value of both. Your petition
or ~~Samuel Jayne~~ would further show your Honor that
it is the wish and intention of the said G. W. Charles
vill and wife who are residents of the State of Texas
to sell their said share just as soon as the said
Minerva attains the age of 21 years. Which would
very materially injure the share of the said Samuel.
Your petitioners are of opinion and therefore assert
that it will be injurious to the ^{value} interest of both the
shares to separate them and your petitioners are
further of opinion that it is greatly to the interest
of the said Samuel and Minerva to sell their
shares of said land and invest the proceeds
thereof in other lands, but this they are advised
cannot be done without the intervention of a
court of equity. The premises considered their
prayer therefore is that the report of partition
made by John A. Worner Morton S. Payne and
William Jayne be not confirmed so far as
it seeks to ~~make~~ partition between the said
Samuel and the said Minerva and that
a commissioner be appointed to ascertain whether
or not it will not be to the advantage of both the
said Samuel and Minerva to sell their interest
and their reversionary interest in the dower of said ~~payne~~ ^{payne} ~~will~~
in said land and invest the proceeds in other lands
That proof be heard That the plaintiff and
his bill creating your petitioners John Jayne
~~and~~ ~~as a party to said suit~~ and that

upon a hearing a decree be rendered directing
a sale of said lands and the investment of the
funds arising therefrom in other lands, and for
general relief. May 86.

Morrison & Duncan

John James Buchanan et al

vs
B. Pittman

Jamies H. Fayou et al

Filed Dec 4th 1877
James H. Fayou et al

1877
25,47 1882
832
1089

1877
2100
3600
2147
6147

6297 1877 to 1878
11300
Bond 500
Morrison & Pittman 2297
Estimated 2280
Estimated 22847

To the Honorable John A. Kelly Judge of the Circuit
Court of Lee County Virginia

The answer of Minerva Lehotsvill and Sam-
uel Jayne infants under the age of 21 years by
H. R. Sargence their Guardian ad litem to a
bill filed against their respondents and others
by James S. Jayne, in this Honorable Court

These respondents saving the benefit of all
exceptions which can or may be had to the
Complainant's bill for either errors of fact or law
for answer thereto says that his words are infants
of tender years unable of themselves to make proper
defense should they know any to make and unable
otherwise to advise him of such defense. He is
advised of no defense that it is proper for them
to make, but being advised that Courts of Chancery
are the peculiar guardians of the rights of
infants he confidently intrusts their rights
in the hands of your honor. Respondant is
advised and believes that the interest of said
infants will be promoted by a partition of
said land as sought in the bill and has
nothing to allege against it And now
having answered as fully as he dares it
Material for him to answer he prays to be hence
dismissed, &c.

A. R. Sargence
Guardian ad litem for
Infants defendants

Virginia Lee county to wit,

This day John S. Suggs personally appeared before me and made oath that the facts stated in this answer are true to the best of his knowledge and belief.

Witness my hand Sept 4th 1877.

James H. Carr, clk.

James H. Suggs
vs. Answer of
M. G. A. L.

Copy this & Docket do

To the Hon John A Kelly Judge of the
Circuit Court of Lee County

Nesa Attest a defendant to a bill
filed and pending in your honorable
court against her ~~others~~ by James
H. Jayne comes and for answer states
that the statements in the plaintiffs bill
she believes to be true, and she has
no objection to the partition of the
land in the bill mentioned as stated
in the bill she purchased and is now
the owner of the interest which
descended to Cynthia A Savant and
she hopes that your honor will direct
by the decree rendered for partition that
her said interest be laid off against
ing the claim which she purchased
and upon she resides. This will
be convenient to her and cannot
prejudice the right of any others
and having made answer &c.

Hagan & Richardson

Rose Albee

ats { Anson

Joe H. Payne

To The Honorable John A. Kelly Judge
of the Circuit Court of Lee County Virginia.

The Answer of Samuel Joyce, Jacob C. Hancock
& Mary J. Hancock infants, by J. W. Orr to a bill
in Chancery filed in your Honor's Court by John
Joyce et al against said wards & others.
In answer your respondent says that he
knows nothing of the truth or falsity of the
allegations in Plaintiffs bill, and is advised
by no disinterested person for him to make
up their Guardian in the said suit,
but this Court is a Court of equity,
and such Courts being the peculiar guardian
of the rights and interests of infants,
your respondent begs leave to place the
rights and interests of his said wards
into the hands of your Honor, knowing
that they will be there protected.

J. W. Orr Jr. DC.
Guardian ad litem

Done to before me this 30th day of Nov 1878.
James W. Orr. Clerk.

Samuel J. Jones, 1873
at the Sec. of S. A. L.

John J. Jones, also

Filed at Sec. Office 1873.

John W. Jones, Clerk

John J. Jones

James H. Fayen
vs-

Pett

Cynthia A. ^{Dravett.} ~~Dravett.~~ it also Dfts
and

Samuel J. Fayen. & Minerva Charleille.
On a petition in Chancery.

This cause and petition come
on again this day to be heard, upon the
papers formerly read the report of C. J.
Duncan Commissioner and duly filed therewith
and was argued by Counsel. And said
duly being seen and inspected by the Court
the same, and the report, accompanying
it together with the sale there reported
is confirmed. and the said James H.
Albert is allowed to withdraw said duly
from the files of said cause and have
it recorded in the proper duly book
of this county. And it is adjudged ordered
and decreed That A. R. Surgen pay
said Commissioner Duncan five dollars for
making & executing this duly for which he
may have execution. and this cause is
stricken from the docket.

[Signature]

James H. Fayre

25 $\frac{3}{4}$ Decem fund

Cynthia A. Dravitt et al

Centered page 410

J. H. Hyatt ©

Enter this decem

In A. K.

Aug 29th 1884

John Jayne & others Pliffs

^{vs}
Wm Jayne & others 3 In chcy
 Dykes

This cause came on again this 4th day of April 1882 to be heard on the papers formerly read, the report of C.T. Duncan Commissioner and deed filed therewith. This day filed in open court and was argued by counsel. and said deed being seen and and inspected by the court said report and deed are confirmed and said Purchaser when he shall have paid said Commissioner the sum of \$5.00 for making said deed is allowed to withdraw the same from the files of this cause, for recordation, and there remaining nothing else to be done in the cause except for the Commissioner to pay to Minerva Chorleville the sum in his hands going to her and to the heirs of Elizabeth Worren the sum in his hands going to them ~~which is~~ is directed to do as soon as he can said cause is stricken from the docket with leave to pay person to restate it if the same should be necessary.

John Jayne et al
vs { Decree final
H^m Jayne et al

Entered D^o No 249.

J. H. Hyatt
Clerk

Enter this decree

J. H. Hyatt

April 4th 1882.

John Jayne et als Petrs
vs. In Chancery.
William Jayne et als Defs

This cause came on again this 1st day of April 1882 to be heard upon the papers formerly read in the cause, the report of C.T. Duncan special commissioner and vouchers therewith, filed on the 16th day of March 1882. and was argued by counsel and it appearing to the Court that said report has been filed for more than 10 days before the first day of this term and that no exceptions have been filed thereto, said report together with the payments made by said commissioner as evidenced by the receipts filed with said report, is confirmed, and said C.T. Duncan who is hereby appointed a commissioner for the purpose will make to the purchaser a deed with covenants of special warranty to the land sold by him in this cause, and he will pay the sum shown to be in his hands going to Minerva Charleville & her husband, and take this receipt for the same and said commissioner will take such means as is in his power to find the heirs of Elizabeth Warren dead and where found he will pay to them the sum

due then and take their receipt for the same, he will
report his action to court and this case is
continued to a future day of this term.

John Payne et al
vs. $\frac{2}{3}$ Deere

William Payne et al

Entered a Page 244.

J. H. H. H. H. H.

West

Enter this decree

J. H. H. H. H.

April 1st 1882.

John Jayne et al. Plaintiff

vs

Exchequer.

W^m Jayne et al. Defs.

This cause came on again this 28th day of August 1880 to be again heard on the papers formerly read therein and the report of ~~the~~ ^{the} ~~Commissioner~~ ^{Commissioner} filed on the 6th day of August 1880, and was argued by counsel. and it appearing to the Court that said report has been filed for more than 10 days before the first day of this term and that no exceptions have been filed thereto ~~the~~ ^{the} ~~Commissioner~~ ^{Commissioner} ~~thereof~~ ^{thereof} said report is confirmed, and the Commissioner making said sale is directed to collect the bonds executed to him for the purchase price of said land as they severally fall due, but before proceeding to make said collections he will give bond before the Clerk of this Court in a sum equal to double the amount of said notes conditioned to faithfully account for all money so received by him. and it is further adjudged ordered and decreed That the purchaser shall have writ of possession upon application to the Clerk for the same. and This cause is continued.

John Jayne et al
vs $\frac{3}{4}$ Diener
Wm Jayne et al

Aug. Term 1880

Entered Page 128
J. A. Stickley D.C.

Enter This Diener

August 28th 1880

James H. Payne.

Def

vs

3 In chancery.

Legathia A. Davault et als.

Plts

On motion of Samuel Payne by John Jones his Guardian and next of kin and S. W. Chorlewill in his own right and as the husband and next friend of his wife Minerva Chorlewill late Minerva Payne, leave is granted them to file their petition in this suit which petition is accordingly filed. Thereupon this cause came on again to be heard upon said petition, the papers heretofore read in the cause and the report of John A. Warner, Morton S. Payne and Will Sam Payne filed on the 6th day of November 1877. and was argued by counsel and ~~was argued by counsel~~. And it appearing to the court, that said report has been filed for more than ten days before the first day of this term. and that as to the shares laid off and assigned to Legathia A. Davault and James H. Payne there is no exception, and the same appearing to be just and proper said report, is, as to the assignment and allotment made to James H. Payne, and Legathia A. Davault for Rosa Albert confirmed and it is adjudged ordered and decreed that each of said parties take in severalty the portion of said land allotted to them respectively by said report; that said report and plat and this decree so far as they refer to said two shares be recorded by the clerk of the county court of said county in the deed book as a memorandum of title for those entitled to said land as shown by said reports And it appearing to said court, by the petition herein

James Fayne
25th 3rd Decem^r 1800
Cynthia Davault et al
Ent page 729

before referred to, that the ~~heir~~ said Samuel
fayne desires a sale of the share said off and assigned
to the said ~~Samuel~~ ~~may be sold~~ and the proceeds there
of invested in other lands and that the husband and
next friend of Minerva Lecharvill desires a like dis
position of the share allotted and assigned to the said
Minerva, and that they each desire a sale of the or
~~various~~ ~~interest~~ ~~of the said Samuel~~ ~~and the said~~
Minerva in the dower of the widow of said L. S. fayne
deceased and the court not being sufficiently advised
of its judgment, it is therefore adjudged ordered and
decreed that, that part of the report of the said John
Homer Martin & fayne and William fayne which
pertains to the shares of the said Samuel fayne & Minerva
Lecharvill be recommended to them and they or dis
creted to inquire first whether said two shares can
be procured without material injury and second
whether or not ~~it~~ it will not be to the interest
of the said Samuel fayne & Minerva Lecharvill
to sell their two shares of said dower and their re
spective interest in the dower assigned to the
widow of said L. S. fayne, deceased and invest the
proceeds thereof in other lands and they will report
their proceedings hereunder to the next term of this
of this court ~~and by consent of parties the plain~~
~~tiff is allowed to amend his bill making the said~~
~~John fayne a defendant to a party defendant to the~~
~~suit which amendment is made at this~~ and the
cause is continued till the next term.

James H. Jayne

Pliffs

75

In chcy

Cynthia H. Davant et al.

Defts

And

Samuel James et al. - On a petition in chcy.

These causes came on again this 3rd day of December 1879, to be heard upon the report of E. D. Duncan Commissioner appointed by a former decree rendered in the causes to sell the lands of the infants petitioners. This day filed in open Court and was argued by counsel. On consideration whereof the Court is of opinion that it is improper under the circumstances to accept either one of said offers, as a final sale of said land, but said Commissioner is directed to offer said land for sale at the next term of the Court room of Lu County, on the first day of the January term next of the County Court of said County, starting the same at the bid offered by the said J. P. Hunt & Son 2nd day of December 1879, and if there is no higher and better bid he will accept the same upon the said bidder executing bond with good security for the deferred payments. The said Commissioner will require one half of the purchase price of said land to be paid down, and for the other half he will take bond with good personal security due two years from date bearing interest from date except a sum sufficient to pay

James & Jayne

vs-

Leopoldine & Amant
and

Samuel Jayne et al

vs a Partition

Deceit

Page 43.

Part of Court.

Wm
J. A. K.
Dec. 4/79

one half the costs of the this petition and
one half the costs and commissions of sale
which he will require to be paid down. ~~He~~
~~will report his action to the next term of this~~
~~court and the cause is continued.~~ The com-
missioner will surrender up to H^{on} A. B. B. &
James & Jayne & A. R. Surgenor This two notes
filed with his report but will retain the title of
the said J. P. Albert until after the sale of said land
said Commissioner will report his action
hereunder to the next term of this court and the
cause is continued.

John Jayne et al

Pltffs

vs

In Chancery—

Wm Jayne Sen. et al.

Defts

This cause came on this day to be heard upon the bill of the complainants and the exhibit filed therewith the answer of R W Orr jun. Guardian ad litem for the infant defendants filed at December rules 1878 and was argued by counsel. And it appearing to the Court that process has been served upon each of the home defendants and that order of Publication was duly made posted published and completed ~~for~~ ~~against~~ ~~the~~ ~~defendants~~ ~~and~~ ~~that~~ ~~they~~ ~~each~~ ~~failing~~ ~~to~~ ~~appear~~ ~~answer~~ ~~plead~~ ~~or~~ ~~demur~~ the bill is taken for confessed, On consideration whereof it is adjudged ordered and decreed That Henry J. Morgan. Marion D Richmond and Eli Davis who are so appointed for the purpose do go upon the lands in the bill and proceedings mentioned and make partition thereof, allotting and assigning to the heirs of R B Davnutt and the heirs of Moriah Davnutt such an equal moiety of said land having due regard to quantity and to quality. And after making said partition as aforesaid said commissioners shall ascertain whether or not the moiety

of said land laid off and assigned by them to
 the heirs of Mariah Davant is susceptible of
 partition among said heirs without material
 injury to their interest, and if in their opin-
 ion said lands are so susceptible of partition
 said commissioners will then proceed to
 lay off and assign to ~~John Jayne & family~~ the
 Jayne Martin & Jayne and Eleanor Jayne
 each $\frac{2}{17}$ of said land to the heirs of Clarborne &
 Jayne $\frac{2}{17}$ to the heirs of Elizabeth Warren wife
 of Rodney Warren $\frac{2}{17}$, to the heirs of Henry
 wife of ^{Mrs} Henry $\frac{2}{17}$ to ^{Mrs} Jayne $\frac{2}{17}$ to Abigail
 daughter $\frac{1}{17}$ and to the heirs of Catherine Sims
 wife of Martin Sims $\frac{1}{17}$, having due regard to
 quantity and quality and should said commis-
 sioners be of opinion that said ~~quantity~~ of said
 land cannot be partitioned without materi-
 al injury to the interest of said heirs they will
 report the same and their reasons therefor to the
 next term of the Court said commissioners
 will report their whole action under this de-
 cre to some future term of this Court and
 the cause is continued

John Jayne et al

vs Deane

Mrs Jayne et al

March Term 1879

Entered Page 28.
Jas. W. Smith

Conf.
 J. W. Smith
 Oct 1879

John Jayne et al vs Plffs

vs

Mrs. Jayne et al

3 In chancery


Defts

This cause came on this 2nd day
of December 1879, to be again heard upon
the papers formerly read in the cause and
the report of Eli Doro Huntington and
Merion D. Richmond Commissioners ap-
pointed by a decree rendered in this cause
on the 2nd day of April 1879, to partition the
land in the bill mentioned between the
heirs of R. B. Davault decd and the heirs of
Moriah Davault decd, filed in said cause
on the 21st day of November 1879. said
was argued by Counsel, and it appear-
ing to the Court that said report has been
filed for more than ten days and that there
are no exceptions thereto, on considera-
tion whereof it is adjudged ordered and
decreed that said report be confirmed,
and it is further adjudged ordered and
decreed that the heirs of R. B. Davault
take and hold the lots or parcels of land laid
off and assigned to them by said Commis-
sioners and designated on the plat and
exhibit (A B) filed by said Commissioners
with their report, by the letters & figures follow-
ing to wit Beginning at & Thence to S. 9. N. 4.

f. and thence to c of the mountain tract
and of the ridge tract the lot designated on
said Exhibit (A13) by the figures and letters fol-
lowing To wit commencing at 4 thence to 5
6. 7. and from thence to letter ^a and from thence
to figure 4. and that the heirs of Moriah
Devault took and hold the lot of said land
assigned to them by said Commissioners
and designated on said Exhibit (A13) by the
following letters and figures ~~following~~ to wit
1 2 3 4 a b c d f g h 19 and 1. and it is fur-
ther adjudged ordered and decreed that ~~and~~
the decree of the 2^d of April 1889. and so much
of the report and plat of said commissioners
as makes said partition and designates the
boundaries thereof together with ^{this} decree be re-
corded by the Clerk of the County Court of this
County in the proper deed book as a mini-
mum of title to the parties entitled thereto.
and it further appearing to the Court from
the report of said Commissioners that the
lot or parcel of said land laid off and
assigned to the heirs of Mariak De-
vault cannot be partitioned among them
without injury to their interests it is there-
fore adjudged ordered and decreed that
C. T. Dunsan who is appointed as commis-
~~sioner~~ for the purpose after giving due

notice thereof is then in the said County, and
land or by posting written notices thereof
as to him appears most advisable, for at
least 30 days before day of sale shall pro-
ceed to sell said land either publicly or
privately as he acting with the advice of
such of said heirs as are in this County may
deem most advisable, upon a credit of 6, 12
and 18 months ^{except cash & commission which he will receive} taking bond bearing inter-
est from day of sale, ^{for the deferred payments} with good personal
Security, and retaining a lien upon the
land until the purchase money is all paid.
and should said Commissioner determine
to sell publicly he will make said
sale in front of the Court house door of
the County on some Court day and to the
highest bidder. he will report his action
hereunder to some future term of this Court
and it is further adjudged and decreed
that the heirs of R B Davant pay one half
of the costs of this suit accrued up to this time
and that the heirs of Moriah Davant pay
the other half thereof and the heirs of the
said R B Davant having no further interest
in it, it will hereafter be carried on for
the benefit and ^{at} the expense of the heirs of
the said Moriah Davant. And ~~this~~ ^{this} ~~transfers~~

as it is continued till the next term

John Payne et al
vs  Deere
John Payne et al
for Term 1879

Entered Page 71.
Dated in Court

Enter
for S.A.K.
Dec 4/79

James H. Payne.

vs.

Cynthia A. Dorant et al.

And

Samuel Payne et al. by re. Petitioner

vs.

Same

3 Petitioner, In chancery

Defts

This cause came on this 3rd day of April 1878, ^{to be again heard} upon the papers formerly read and the depositions taken and entered in the cause. and the second report of Wm. Payne, John A. Warner and Martin H. Payne, ^{Special Commissioners} filed on the day of March 1878. and was argued by counsel and it appearing to the Court that said report has been filed for more than ten days before the first day of this term of the Court and that there are no exceptions thereto, the same is in all things confirmed. And it further appearing to the Court that it would ^{be} injurious to the interest of the said Samuel Payne and Minerva Lehorleville to partition the shares in said land laid off and assigned to them, and it further appearing to the Court that it would be advantageous to the interest of the said Samuel Payne and Minerva Lehorleville to sell their interest in said land and invest the fund arising therefrom in other lands or at interest until the petitioners shall attain the age of 21 years. provided the same can be sold at a price not less than the minimum price fixed by said

Commissioners in their report aforesaid. It is there-
fore adjudged ordered and decreed that L. S. Duncan
who is hereby appointed a commissioner for the pur-
pose do, after giving notice of the time place and
terms of sale by posting written notices thereof at the
front door of the Court House of said County ~~Florida~~
~~the~~ two other public places in said County for at least
20 days before the day of sale proceed to sell at public
out cry to the highest bidder. The said two shares of
the land, of which L. S. Jayne died seized, laid off and
assigned to the said Minerva Charleville and Samuel
Jayne. and also their undivided reversionary inter-
est in the dower assigned to the widow of the said
L. S. Jayne deceased provided that said commissioner
shall not accept any bid for said shares or for
~~their~~ reversionary interest of said petitioners in
the dower of said widow which is less than the min-
imum price fixed by said Commissioners in their
aforesaid report. Said sale shall be made upon
the following terms to wit for the share of the said
Minerva Charleville said Commissioner shall re-
quire to be paid down in cash the sum of \$300
and the residue he shall require to be paid by the
first day of January 1879. and for said deferred
payment he will take bond with good person-
al security bearing interest from date. He will
sell the share of Samuel Jayne on a credit of
three years taking bond therefor with good person

al security bearing interest from date except an
sum sufficient to pay one half of the costs of the petition
filed in this cause and one half of the costs and com-
missions of sale which he will require to be paid
down in cash. He will sell their over and above
interest in the widows down on a credit of one
two and three years ~~and~~ will take bonds therefor
with good security bearing interest from date
and he will report his action to the next term of
this court and the cause is continued.

15.

36. 1877

36.

36.

36.

36.

36. Dec 1877

30. 2nd 1878

36. Dec 1877

52.97

Samuel Payne et al vs
On Petition

Decree

March June 1878

Entered in Page 741
J. H. Case Jr. 1878

Entered
in 544
1878

James H. Payne.

vs

Petffs

In Chancery

Leynthia A. Davault et als.

Defts

This cause came on this 5th day of September 1877. to be heard upon the bill of the complainant, the answer of Rosen Albert one of the defendants & the answer of Samuel Payne and Minerva Chorwill by A. R. Surgenor. This guardian ad litem also this day filed and was argued by counsel and it appearing to the court that Leynthia A. Davault has been served with process and that service has been accepted for G. W. Chorwill the other adult defendant & they each fail to plead or answer the bill is taken for confessed as to them. on consideration whereof the court doth adjudge order and decree that John Horner, J^r Payne & Mortie S. Payne who are hereby appointed commissioners for the purpose do go upon the lands of which Claiborne S. Payne died seized among his heirs. In said partition said commissioners will have due regard to quantity and quality of said land. And it further appearing to the court that the defendant Rosen Albert is the owner of the dower interest in said land which was laid off and assigned to the widow of said Claiborne S. Payne and that she is also the owner of the interest which descended to the said Leynthia A. Davault The said commission-

ers will lay off the shore of the said Cynthia
A Davault adjoining the dower if the same can
be done without prejudice to the other heirs, and
they will report their action to the next term
of this Court till which time this cause is contin-
ued,

James H. Gayne

vs. Deane

Cynthia Davault et al

Entered Page 672

R. W. Con. J. D. C.

Butt
L. 27. 11
54. 5/77

Virginia.

At a Circuit Court continued and held for Lee
County at the Court house thereof, on Wednesday the
5th day of Sept. 1877.

James B. Jayne
against

Cynthia A. Davault et als

Plff.

In Chancery.

Defds.

x x x x x On Consideration whereof the Court doth
adjudge Order and, decree, that John Warner & James
& Martin S. Jayne, who are hereby appointed Commission-
ers for the purpose, do go upon the lands of which Claiborne
S. Jayne died seized, and partition the same among his heirs.
In said partition said Commissioners, will have due regard to quan-
tity and quality of said land. And it further appearing
to the Court, that the defendant Rensselaer is the owner
of the dower interest in said land, which was laid off &
assigned to the widow of said Claiborne S. Jayne, and that
she is also the owner of the interest which descended to
the said Cynthia A. Davault, the said Commissioners will
lay off the share of the said Cynthia A. Davault assign-
ing the dower if the same can be done without prej-
udice to the other heirs, and they will report their action
to the next term of this Court, till which time the Cause
is continued.

A Copy

Teste Robt. W. Orr J. C.

James H. Jayne,
vs } Copy of Deeds

Synthia A. Davant
et als

1st Day Nov. Term 1877

Exente

Thos. E. S. Co.

Virginia.

At a Circuit Court continued and held for
Lee County, at the Court House thereof, on Wednesday
the 2nd day of April 1877.

John Jayne et al

Plffs.

against

Wm Jayne Sr. et al

Defts.

} In Chy.

xxxxxxx On Consideration whereof, it is ad-
judged ordered and decreed that Henry J. Morgan
Marion D. Richmond & Eli Davis, who are appointed for
the purpose, do go upon the lands in the bill of proceedings
mentioned, and make partition thereof, allotting and
assigning to the heirs of J. B. Rawcutt and the heirs
of Maria Rawcutt, each one an equal moiety of Said
land, having due regard to quantity and quality. And
after making Said partition as aforesaid, Said Commissioners
shall ascertain whether or not, the moiety of Said land
laid off and assigned by them to the heirs of Maria
Rawcutt is susceptible of partition among Said heirs
without material injury to their interests, and in
their opinion Said lands are so susceptible of partition
Said Commissioners will then proceed to lay off &
assign to John Jayne, James W. Jayne, Martin S. Jayne
& Eleanor Jayne each $\frac{1}{17}$ of Said land, to the heirs of
Claiborne S. Jayne $\frac{2}{17}$, to the heirs of Elizabeth Warren
wife of Rodney Warren $\frac{2}{17}$, to the heirs of Nancy
wife of Wm. Hays $\frac{1}{17}$, to Wm. Jayne Sr. $\frac{1}{17}$, to Abigail
Hougherty $\frac{1}{17}$, and to the heirs of Catherine Davis,
wife of Martin Davis $\frac{1}{17}$, having due regard to quantity

are a quality; and should said Commissioners be of opinion
that said unity of said land, cannot be partitioned
without material injury to the interests of said land
they will report the same and their reasons therefor, to
the next term of the Court, said Commissioners will report
their whole action under this case to some future
term of this Court, and the cause is continued.

A Copy

Test. R. W. Orr Jr. Clk

John Jacques & Co
Deputy of Algon
The Jacques & Co
Hart & Co
Executed
Attest
John Jacques & Co

Virginia Lee County, S. Wit

John Payne et al

Plffs.

vs.

Wm Payne et al

Defts

This day Charles T. Duncan personally
appeared before me James W Orr Clerk &
made oath that Susan Copeland & Jacob
Copeland her husband Elizabeth Taylor
and M A Taylor her husband Eleanor Wood
and Vincent Wood her husband Jimmy Clark
and D C Clark her husband Mary Maloz
and J T Maloz her husband Hannah Jones
and Thomas Jones her husband Martin S
Harron Marcus Harron J P Harron Minerva
Chorleville & G W Chorleville ^{her husband} Hannah Jones
and Samuel Jones her husband James M.
Lins. R. F. Johnson & Richmond Johnson
her husband defendants in the above styled
cause are not residents of the state of Vir-
ginia Given under my hand This 16th day
of September 1878.

James W. Orr clerk

John James et al
vs Affiant
John James et al

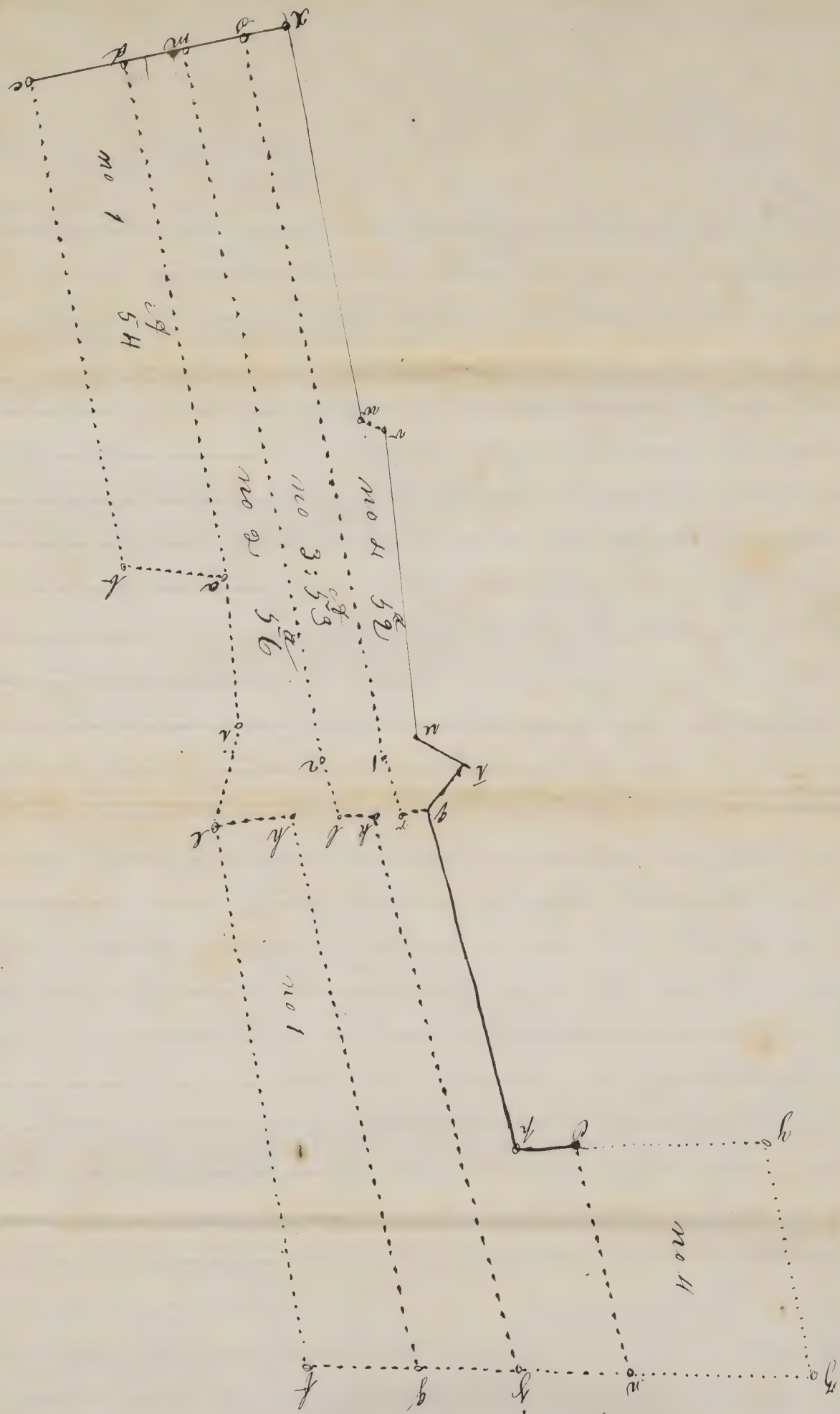
To a sugartree Thence N 81 W 6 poles To a poplar thence
N 28 W 90 poles To 2 sugartrees on a bluff thence N 82 W
17 poles To Walens creek and up same N 12 E 20 poles To a
beech thence N 66 E 10 poles to beginning beginning of second
piece of same share on the maple and white oak thence
S 68 W 56 poles To a maple Thence N 33 E W 72 poles to
ruggles line south same To stake of 3 share S 74 E to
beginning. The first and fourth shares are in 2 separate
parcels. first share a b c d & g h e f we assigned to Mrs

Rosa Albert second share h e i a d m v l k J g was
drawn by James H Sayne Third share m w l k J n o p
q r i s by Samuel Sayne fourth s i w g t u v w x
and n o y z by Manerva Charles The 2 3 4 share shall have
a water right in a spring at q and u share a right to way
of getting to his timber all of which is respectfully sub-
mitted.

John A Warner
Martin J Sayne
Wm Sayne

To The Hon John F. Keller

Pursuant an order of Circuit Court of Lee County
made Sep the 8th 1877 directing the undersigned com^{ss}
partition and lay off shares of the ^{lands} theirs in the ^{estate} of
Jayne de proceeded on the 19 of Oct and continued from
day to day to perform the duties assigned them in said
order begining on a stake in a field near the edge of sugar
orchard thence N 76 E 30 poles to a stake thence S 31 E 146
poles to top of fowels mountain thence westward with top
of same 30 poles thence N 31 W 146 poles to begining this is
the courses of first share on Mountain and does not join the
other portion of same share ridge piece begining of a stake
in wiggles line thence S 30 E 160 poles to a stake on the
bank of walens creek thence N 66 E 22 poles to stake
thence N 33 W 164 poles to wiggles line with same Eastward
to begining second share begining on a stake in said
line S 33 E 164 poles to stake on creek thence S 66 W 22
poles to stake thence S 13 E 30 poles to stake thence
S 31 E 146 poles to top of mountain with top 14 poles thence
N 31 W 211 poles to a stake thence N 34 E 38 poles to stake
on creek thence S 66 W 10 poles to stake near stable thence
N 35 E 22 poles to wiggles line and with same to begining 3 share
bound on E by lines of 2 share westward with top of
mountain 18 poles thence N 31 W 24 poles to stake thence
N 34 E 38 poles to stake near creek thence S 66 W 15 poles to
Simser ~~the~~ corner near a spring thence N 36 W 100 poles
to 3 chestnuts on side of ridge thence S 68 W 19 poles
to 2 maples and a white oak thence N 34 W to wiggles line
and with same Eastward to begining 4 share bound
ed on East by the other share from creek to top of mountain
with mountain to Simser line thence N 33 W 116 poles to a



James H. Payne
75

Plf.
In Chancery

Cynthia A. Davault & als. Dft.

To the Honorable John Kelly Judge
of the Circuit Court of Lee County Va.

The undersigned commissioners
in the above styled cause who had formerly
made partition of the lands of Wm. Payne and
reported their proceedings to a former term
of your Honore Court, and whose report so
far as it related to the shares laid off and
assigned to Samuel Payne and Minerva
Charlville was by a decree of your Honore
Court rendered and pronounced on said
Cause on the 6th day of December 1877, on
the petition of the said Samuel Payne
and Minerva A. Charlville by G. W. Charle-
ville, her husband ^{recommended to them} and next friend, should
respectfully report that by the terms
of said decree they made the following
inquiries as therein directed 1st Can the
shares allotted to the said Samuel Payne
and Minerva Charlville be partitioned
without material injury? In answer to
this inquiry, your Commissioners are
very decidedly of opinion that said two
shares cannot be partitioned without
very material injury, to each and especially

would the interest of Samuel Jayne be injured. The shares as it will be perceived by an inspection of the plat files with our original report are very large and narrow extending from the top of Hallers ridge to the top of Powells Mountain, and the share of Samuel is one of the inner shares.

And by Whither or not it would not as to the interest of the said Samuel Jayne & Mervin Charlesville to sell said two shares of said land and their reversionary interest in the same heretofore assigned to the Widow of C. S. Jayne deceased and invest the proceeds in other lands? Upon this inquiry your commissioners are at greater loss to report intelligently, Unless they knew at what price the land could be sold. Your Commissioners are of opinion that said two shares of land are worth \$450 to \$500 ^{each} and are decidedly of opinion that if said land could be sold for the latter price that said sale would be beneficial to the owners, as these shares are situated, if separated from each other the owners could never farm them with any success or advantage. Your commissioners are of opinion that if \$450 or \$500. was judiciously invested in two lands the home of Mrs. Charlesville that

the same would in 5 years be worth double
her share of this land and perhaps the same
would be so of Samuel's share if the money
for his share was invested here, or even if
his share should be sold and the money loan-
ed at compound interest. Your Commis-
sioners are therefore of opinion as herein indicated
that if a sale of said shares can be made
at the price herein indicated. That ^{our fitted} they would be.
As to a sale of their reversionary interest in
the dower assigned to their mother. Upon this
point your Commissioners beg leave to state
that the widow of said Ed. Payne is compara-
tively a young woman being about 35 years
old as your Commissioners are informed
said dower contains about 90 acres of land
worth as your Commissioners think about
\$10 per acre or about \$900, at this valuation
the dower interest in said land would be worth
at present, according to Prof Higgleworth's table
about \$209 - which deducted from value of
the land leaves the reversion worth \$691.
But your Commissioners judging from
the usual disposition of life Tenants could
not rate the reversion as high as that sum
in fact your Commissioners would regard
the reversionary interest will sold. at ^{\$125.00} \$100.00
each ~~share~~ or at \$400 ^{\$100.} and if the said,

widow should attain anything like the probability of life which according to Prof Moivre would be 24⁵/₁₀ years (and this is less than Higgle's worth, his being 28²²/₁₀₀ years) \$100 invested at 6 percent simple interest would be worth 24, at the death ~~time~~ of the probable death of the widow. Taking all the facts into consideration your commissioners are of opinion that if the remainder interest of the said Samuel & Minerva in the dower of their mother can be sold for \$100, ^{each} that it would to their interest to sell the same. Your commissioners have taken no testimony but in lieu thereof went upon the lands and made an examination for themselves believing that in this way they could better arrive at a correct conclusion of the matter referred to them. All of which is respectfully submitted.

William Fay Jr
John A. Thorne

Wm. Fay Jr
Com. 2000 of 100

Leg. Sec. A. B. Smith

Samuel Fay Jr
petition

Case due for ending
re. 1000. \$5.00

\$3.00. paid to Fay Jr

Commissioners Office for the 21st Nov 1879.

John Payne & Sons Esrs.

William Payne & Sons Esrs.

In Chancery

To the Hon. John Kelly Esq of
the Circuit Court of the County

By a decree of your Honor entered in this
cause on the 2nd day of April 1879, the undersigned
persons were appointed commissioners for the purpose
here and were directed to go upon the lands which
are the subject of this suit and to partition and
divide the same into two equal portions as nearly
as possible taking into consideration quantity and
quality, and to assign one of said portions to the
heirs of the said B. Devanah and the other to the heirs
of Macish Devanah. And this last half to be again
subdivided if thought practicable and proper so to do
into about 13 other lots or parcels seven of which were to be
assigned 2/7th of said portion, and the remaining three 1/7th
thereof. On the 21st day of Nov. 1879 we went upon
the lands in question and after looking at them as best
we could with reference to the other lands owned by said
B. Devanah at his death, ^{in a relative situation with reference to each other} the quality thereof and the
dwelling houses and other houses situated thereon, we did
lay off and assign to the heirs of B. Devanah one
portion of said land, and to the heirs of Macish Devanah
the other, quantity, quality and said buildings considered
and we herewith file as a part of this report a plat of all
the land owned or claimed by said B. Devanah at his death

marked (A.B) which shows the outside boundaries of all said lands including the roads in question and it also shows the boundaries of each separate tract or piece.

The land which is the subject of this suit was conveyed to R.B. and Harriet Devault by James Fay and a copy of that conveyance is filed as an exhibit by the Piffs in the main bill. And by it he conveyed two separate and distinct pieces to them one of which was estimated to contain 95 acres more or less, and the other 15 acres or less.

The first of these parcels actually contains about 105 acres, lies on the north side of Bullen's mountain, is rich and productive, and on its western end or in the center thereof an excellent residence house with other buildings. And the other contains according to our estimate about 76 acres, it lies on the south side of Bullen's ridge and from the top thereof to Bullen's house it is to base nearly all of this tract is what we would call good thin generally land.

Now by reference to said plat you will see the outside lines of the 5 pieces of land which said R.B. Devault had possession of at his death see diagram and figures 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.

The two tracts on the south end of said plat marked respectively 73 acres and 66 acres, and an other small tract containing 30 acres toward the north end of said plat called the main tract all belonged to the said R.B. Devault and with which we had nothing to do. Save to locate the other two pieces with the former reference tracts.

This tract of 106 acres conveyed by James Payne to H. B. Dewart and lying on the North side of Powell Mountain is represented on said plat by the lines commencing at 1. thence to 8. thence to 1. thence to 19 and from thence to 1.

The tract of 96 acres lying on the North side of Williams Ridge is represented by the following letters and figures 1. 2. 3. 4. 5. 6. 7. thence to A. thence to B. thence to C. thence to D. thence to figure 1.

Of the Mountain tract of 106 acres we assigned to the heirs of Hannah Dewart 54 acres and of the other tract 53 acres making 107 acres and the same is represented by the following figures ^{and letters} commencing at 1. and thence to 2. 3. 4. and thence to letter A. B. C. D. E. F. G. H. thence to figure 9 and from thence to figure 1.

Of the Mountain tract we assigned to the heirs of H. B. Dewart 52 acres on which is situated the mansion house, and this is shown on said plat by the following letters and figures commencing at 1. thence to 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. and thence to A. And of the ridge tract we assigned 33 acres, which is represented on said plat by the following figures and letters commencing at 1. thence to 5. 6. 7. and from thence to letter A. and from thence to figure 1 the beginning.

The two parcels thus assigned by me to the heirs of H. B. Dewart contain in the aggregate 105 acres being 2 acres less than the two parcels assigned to the heirs of said Hannah.

But the heirs of H. B. Dewart get the mansion house which is a valuable one, and probably cost them more than H. B. Dewart with his other parcels but which are for the purposes of this

speculation only valued at the sum of \$500.00 One half
of which we thought we ought to give in land to the heirs
of said Marsh which we attempted to do, by assigning
them 30 acres more of the ridge tract which we valued
at \$150.00 and two acres more of the vacant tract, which
we valued at \$100.00 and then as to quality we attempted
to give them about \$60.00 the advantage, so that after the
whole the said land considered we gave the heirs of
said Marsh about \$250.00 worth of land more, than to the
heirs of said C. B. Darnall. But when the occasion
arose is consistent along with the land and use of
oiliness that we have made as far as concern of the
whole property as we possibly could, and what we
have given to each what an equal share quantity, quali-
ty and annual rental value considered.

The case of oiliness that the two parcels of land
assigned by us to the heirs of C. B. Darnall was more
amount, to ^{the} ~~the~~ lands than the parcels assigned to the
heirs of the said Marsh, and this we think is fair
timely so with reference to the Marsh tract
which is shown on said plat by the following lines and
figures beginning at the figure 1, thence to the thence to C,
thence to B, thence to A, thence to A, from thence to F, so that
this and the two parcels are assigned them from a
long square body, in the same, and as to the two other
tracts which belonged to them the parcels are assigned
them are just as convenient, detached with reference
to them as if ^{but} we gave them their interest in the
west corner of the tract, but perhaps not more so.

The use of opinion that the property assigned by
us to the Board of General Land Office can be divided
among them according to the directions of the
decree under which we are acting. But we at the
same time believe that such a division thereof would
necessarily injure each parcel thus divided. And
we therefore do not hesitate to recommend that
the whole of these two parcels be sold in a body
together, and use so this for the two following reasons
as well as for others which might be assigned.

1st The two parcels taken together form in the main
an oblong or long square, and would make a good
home and productive farm for one or two
farmers, and in this light is quite desirable, and
ought to sell well; and

2nd, Were the same subdivided into 20 parcels, each
share would be so small that it would cost the
worth of the land or nearly so to fence each parcel
separately, and this would be particularly so as to
the price which would get only $\frac{1}{10}$ th each.

Was this division undertaken, it would seem that
each share would be entitled to his or her due proportion
of the productive and cleared land and a like portion
of the forest and unenclosed land, and such a division
would necessitate the buying of it off rather than to
sell the entire long narrow strips ranging from 2 to 500 in width.

Were the lands so divided as to make each parcel
as nearly square as possible, the same could be

to be subdivided east and west or comparatively so & as the
the along some of the lines would get all good land either
timber or water while others would get all poor timbered
land. It also the good land would have to be divided into
10 acres & the poor land subdivided into 10 parcels, which
could not, tend still further to diminish the value of
each.

In the survey of the tract, assigned to the heirs of
Maurice Dumont, we assign the use of one half of the spring
situated near the common house and the right of way
to and from the same. This right of way is substantially
along the wallows Creek and to a point east of said
Spring at the end of a ledge, or cliff, of rocks & from thence
a straight line to the Spring! (See dotted line on plot.)

We file herewith two other papers marked A & B,
which when taken together will show the outlines and
courses and distances of all the lands and the courses
and distances of each separate tract, ^{thence} and hence.

There is a fact connected with these lands not
shown in the pleadings and to which we will briefly
refer and it is this, James W. Payne one of the Pigeons
and Tully, that at or about the time his father James
Payne conveyed these two tracts of land to H. D. & Maurice
Dumont, that the said Asaph B. paid toward the tract
on the Mountain then supposed to contain 90 acres
the sum of one hundred dollars, that said James Payne
then intended as a gift to his daughter Maurice 80 acres
of said 90 acre tract and he assigned the said Asaph B.
to pay him for the 10 acres or more above that quantity.

The Jas. W. Jayne also says that his father always stated to him that the reason he conveyed to the two jointly was that said Rufell B. had paid toward the land \$100.00 and that he did not want to make two deeds, and that he did not want having having been paid by the said Rufell B. he should have conveyed both of said tracts to the said Hannah Davenport.

The widow and heirs of said Rufell B. Davenport now claim that they are at least entitled to have the value of said \$100.00 paid off to them out of said land, and the residue then divided, but if we had done so we would have been acting outside of the deed which we did not desire to do. And then we thought it doubtful whether a court of equity looking at all the statements of the said James W. Jayne would interfere with said deed, and its legal effect and fruit of the facts which Jas. W. Jayne would prove. Since the \$100.00 paid toward said land has accrued to the widow and heirs we feel in value of the entire two tracts.

All which is respectfully submitted

Eli Davis

H. D. Richmond } Commissioners

H. J. Morgan }

See of costs.

To Eli Davis for 5 days services in conveying testimony &	\$10.00
" H. J. Morgan for 5 days services in conveying testimony &	5.00
" Francis Mason for measuring 1/2 day &	1.50
" Nathaniel Walker "	1.50
" H. J. Morgan for 1 day services in writing this report	5.00
	\$23.00

John Jayne & al

vs ^{my} Common Pleas

John Jayne & al

Filed Nov 21st 1877.

Just W. Clerk.

To the Honorable John A. Neely Judge of the
Circuit Court of Lee County Va.

James St. Jayne

vs.

In Chancery.

Cynthia A. Devane

(Ind.)

Samuel Jayne et al on Petition

By a Decree of your Honor's Court rendered
& pronounced on the ^{3rd} day of April 1878
on the latter branch of the above styled Cause
the undersigned was appointed a Com^r,
for the purpose was directed to sell the
interest in the land of Elizabeth Jayne, decd.,
which descended to the petitioner Samuel
Jayne & Minerva Charlotte formerly Minerva
Jayne & which had been laid off & assigned
to them by Decree in the first above styled
Cause & also their undivided interest in the
Dower assigned to the widow of the said Eliza-
beth St. Jayne, but your Com^r was directed
by said Decree not to accept less than 450⁰⁰
each for the lots assigned to said petitioners
& not less than 100⁰⁰ each for their ~~reversionary~~
interests in said Dower. Your Com^r has
found it impossible to get the sum thus fixed
by said Decree for said lands, but is now
offered for the same - that is, for the entire in-
terest both in the land allotted & in the Dower.

the sum of \$1050.00. Five Hundred & Seven-
ty five Dollars of which is to be paid by
the first day of June next bearing in-
terest from date & the remaining \$259
two years from this date bearing inter-
est from date. And your Court ^{herewith} files
the notes of ~~Will Sargent~~ ~~Barth~~ James
H. Jayne & A. R. Surgenen marked "A"
& "B". And John Jesse who is the grand-
father & guardian of the heirs of Claiborne
Jayne recd. recommends that this bill
be ~~accepted~~, since writing the above
one J. P. Albert has filed with your
Commissioners a paper ^{numbered (C)} by which
it will be seen he proposes to pay
\$1075 for said land or \$2.5 more than
the bill above referred to. Your Honor
is respectfully asked for instructions
as to any further proceedings. Mr Albert's
is very good, Respectfully submitted
C. T. Duncan Commissioner

James H. Payne

vs

3 Da Chy.

Cynthia A. Devauch
+ 3 Report of Comm
+ 3 C. L. Duncan
Saml. J. J. J. et al in Petition

Filed Nov 29th 1877.

J. W. O. Clerk.

Commissioners Office for sale 1st May the 26th 1880
William Payne Guardian v. Poff

vs.

See enclosure,

James W. Payne Adm^r & Ad^r Defts

To the Hon, John A. Kelly Judge of the Circuit
Court of Lee County.

By a decree entered in this cause on the 31st day
of March 1880, I was directed to ascertain and
report the amount of rents and profits in the hands
of James W. Payne and C. J. Duncan which is due
to the heirs of Russell B. Dewart, who they are, and
how much is due to each.

In ordinary cases, this would seem to be a very
simple and easy matter to ascertain, in this case
however it is not so easy and plain, as the simple
enquiry would seem to imply as I think you
will see in the progress of the report.

When Russell B. Dewart died, he was in the pos-
session of 5 contiguous pieces or parcels of land known as
his home place. Soon after his death the same was
assigned his widow out of these 5 pieces of land one
solidly together including thereon the mansion house.

On all these 5 separate pieces there is some cleared
land suitable for cultivation. And for the years 1876 and
1877. James W. Payne as guardian for two of Dewart's
heirs rented out all the cleared land not included
in covered by the dower assigned the widow and

for the years 1878, 1879, and 1880 Mr Duncan has done
the same thing. And as to the year 1880 I shall
perhaps have occasion to refer to it in particular hereafter.

Now although dower was assigned the widow with
reference to the whole of the 5 tracts, it turns out that
as to two of said tracts and they by far the most valuable
the said R. B. Dewart only owned one undivided half
thereof, so that dower was assigned with reference to
land not owned by R. B. Dewart. And in fact I believe
that the dower as assigned lay entirely on the two
tracts in which said Dewart owned only one moiety,
and did not touch either of the three tracts which in
fact he did own and thus this matter stood until
last fall and last winter, when partition was made
of said lands according to the rights of the parties, and
dower reassigned the widow with reference to
the lands really owned by said Dewart.

The said Dewart had been twice married, his first
wife was the daughter of James J. J. Dr. and it was
by him that said two ^{of land} ~~was~~ ^{was} conveyed to said
Dewart and Maria his first wife, who died without
children, so that her undivided half thereof descended
to her brothers and sisters and their descendants.

I now file herewith marked (A 13) a plat of all of said
5 tracts or parcels and of each separate piece or tract

The 73 acre tract, the 66 acre tract, and the 30 acre tract shown by the black lines are the three tracts owned by R. B. Davenport, and the two tracts shown by the double red lines, are those conveyed by said James Jaynes to said Davenport & Mariah his wife, One of which lies on the north side of Foxalls Mountain and contains 106 acres and the other lies on the south side of Mullins Ridge and contains 96 acres, and the dotted line running through these two tracts, shows the line by which they were recently partitioned between the heirs of Russell B. and Mariah Davenport.

The Mountain tract containing 106 acres is by far the most valuable and is perhaps worth as much, if not more than all the others. On it is situated an excellent mansion house with other good out buildings and all the valuable buildings are on it together with an excellent Spring. On this tract there is about 93½ acres of cleared tillable land, and on the ridge tract about one and a half acres of cleared land, making on these two tracts about 95 acres of cleared tillable land and on the two tracts conveyed by James to Davenport wife while on the three tracts owned by said Davenport there is only about 40 acres of cleared tillable land so that upon the whole 5 tracts there is about 135 acres of cleared land.

Of the 95 acres of the cleared land on said two tracts in the partition thereof recently made, the heirs of Murek Duvault got about 50 acres, and the heirs of R. B. Duvault about 45 acres, so that the widow and heirs of the latter now have 85 acres of cleared land on the Mansion House while the heirs of Murek have about 50 acres of cleared land.

As the dowry was first assigned the widow, she got out of the mountain tract of 106 acres, about 28½ acres of cleared land and the Mansion House, and about 1½ acres of cleared land, being all there is on the ridge tract, making about 30 acres of cleared land in the dowry which the widow has held used and occupied for the years 1876, 1877, 1878, and 1879, and this left to be rented out for the same period by Mr. J. H. Payne and Mr. Duncan about 105 acres of cleared land. And I now file herewith marked (A6) Mr. J. H. Paynes deposition showing substantially the facts herein referred to.

I have been thus particular in these details in order that the two sets of heirs, the widow and creditors may have a fair battle before the court as to any errors or supposed errors into which I may, and am likely to fall, in attempting to adjust this matter of account.

From what has been said it is seen that the widow has held and used as dowry for four years land, only one half of which was owned by her husband.

land, only one half of which was owned by her husband and thus being so, is she liable to account to the heirs of Mariah Davant for the value of one half the rent thereof for said period? and if so, would she have the right to demand out of the rents in the Jagers & Duncans hands a sum sufficient to make her share equal to what her share is in fact worth? And if this course is adopted, then how is the balance in their hands to be apportioned among the two sets of heirs? These are questions easy to ask, but not quite so easy to answer in a practical way, we prefer, so as to show the answer to be fair and just.

Col Priderman suggests an idea which is not without some force, and that is, that as the dower in this case was assigned by the heirs & heirs that she used only took what they gave, that it was not her duty to look and see that they did not give what they had no right to dispose of, and all parties having acquiesced in their action for four years that the widow cannot now be called upon to account for any part of the land so held by her as dower for said four years. And to adopt this view is great injustice could be done any party, since it must be conceded that the widow was certainly entitled to dower in all the lands owned by her deceased husband, during that period as well as the present year. The only difference is, that she had the use of a little more land those four years, than she will hereafter have. But this difference is too small to undertake to adjust it

Now as the widow during said four years held as dower about 30 acres of cleared land, it follows from what has already been stated, that it left 105 acres of cleared land to be rented by Mr. Faynes and Mr. Duncan during said four years, and that is about the quantity according to Mr. Faynes estimate thereof, and for this 105 acres Mr. Faynes for the year 1876 realized \$210.00 due March the 1st 1877. And for the year 1877 he realized \$220.00 due March the 1st 1878. And according to Mr. Duncan's reports filed in this cause he realized or is to realize for the year 1878, \$200.00 due January 1st 1879. for the year 1879 he is to realize \$167.50 due January 1st 1880.

Last winter dower was again assigned the widow out of the lands belonging to the heirs of R. B. Darneth alone and as it was assigned it covers a part of the land which had therefore been rented by Mr. Faynes & Duncan and before said assignment was made Mr. Duncan had rented out for the year 1880 the same land heretofore rented to Isaac Collinsworth for \$165.00 in money due January 1st 1881. and \$10.00 to be paid in repairs on the premises. This years renting seems to have been done in October 1879. and the land being in the possession of said Collinsworth under his contract. when dower was last assigned the widow he declined to give her the possession of it, and by this means she has been

disposal of his former dower for the year 1880.

Since said two tracts have been partitioned that were the heirs of R. B. & Marshal Davenport nearly or quite all the cleared land covered by the first dower was left for a while unoccupied for the use of the heirs of Marshal Davenport as the partition agreement embraced nearly all the former dower. The widows we have seen having been deprived of dower as above stated for the present year, Mr. Duncan with the consent of some of the heirs of Marshal Davenport leased to Mr. Babb the husband of the late widow, the land covered by her former dower for the year 1880 but he does not pay a cash rent to her or to, and is to give or pay a third of the crop whatever that may be, and this of course will be something ^{in addition} to the \$165.00 before referred to as the rent for this year. But this cannot now be ascertained and if it could be ascertained, then as to this year a new or different principle would have to be adopted, for it is certain, that Mr. & Mrs. Babb. will come in for their share of this year's rents. But it occurs to me that the whole matter may be now settled without any very great injury to any one. And I would suggest this as the course to pursue rather than leave this year's rent wholly unadjusted, let Mr. Babb have the use of the land he is cultivating this year free of charge and the two sets of heirs take the \$165.00 and by doing so the whole matter may be now settled and this course I believe I will pursue and if the parties

are not satisfied therewith they can but insist to be
allowed to carry each other over a very small sum
for breach it is bound to be and will not in my
opinion pay for the labor and trouble it will require
to ascertain and fix their exact and precise rights

Now we have already seen that during said four
years and we may now say five that 105 acres of
land has been rented for the benefit of the parties interested
and by the recent partition between the heirs of R. B. and
Marion Dewart we have seen that the heirs of the
latter have been assigned about 50 acres of the cleared
land and if this ought to be regarded as a principle
and I think it is, then in order to ascertain the rights
of the two sets of heirs in the funds in the future
Mr. Duncan's funds all we have to do is to ascertain
the precise fund in their hands, separately or
jointly, and then divide the same into 105 equal
parts, and give to the heirs of R. B. Dewart 55 parts
thereof, and to the heirs of Marion 50 parts thereof
and these of course to be again subdivided to meet the
rights and interest of all, and this course in my
opinion will substantially attain the ends of justice
as between these parties and that course I shall
pursue as nearly as I can

I now file herewith marked (A D.) another paper on which I have stated the account of James W. Payne as guardian for the two heirs of R. B. Duvault dead. This account is brought down to September 1st 1880 at which time there is it ought to be in his hands as such guardian the sum of \$447.45 after allowing him credit for 5 per cent commission, and for the taxes on said land for the years 1876 and 1877. The former amounted to \$18.27 and the latter to \$10.56 and it is proper here to state that the taxes for the year 1876 had been credited to Mr. Payne by the Ort in his administration account, but I thought the taxes should be paid out of the rents inasmuch as there are two sets of heirs claiming rents, and that the same ought not to be paid by R. B. Duvault's estate alone, and that was the effect it had by giving the credit in the administration account, and I having given credit for it here Mr. Payne ought to be charged with that sum in his said administration account, in addition to what is there shown to be due from him.

According to the plan laid down for the settlement of this matter of rent, between the two sets of heirs of said sum of \$447.45 in the guardians hands on the first day of Sep 1880. The heirs of R. B. Duvault are entitled to \$231.37, and those of Francis \$213.07.

Following the statement of the deceased wife account
I have made 6 Special Statements in order to show
the names of all the heirs and the sum due each.

N B Duvault leaving but 2 children the words
of Mr Justice, said sum of \$234.37 being equally
divided between each of them, will give to each one
\$117.18 1/2, which is shown in Special Statement No. 1

Mariah Duvault had 7 brothers and sisters of full
blood, and three of half blood and said sum of
\$213.07 1/2 being divided among them will give to
the 7 of full blood \$25.06 2/7 to each, and to the three
of half blood the sum of \$12.53 6/7 to each all which
is shown in Special Statement No. 2

Three of the full blood and one of the half blood
having died leaving children and grand children
the sum due + which would have been due the deceased
parents, has to be subdivided between their several
children, and Special Statements No. 3, 4, 5 & 6 show
this distribution

The names of the two children of N B Duvault, are
Mary J. and Jacob C. Duvault.

The names of the brothers and sisters of Mariah Duvault
are and were, John Justice, Martin S. Elwood, Labarna
S. Elizabeth, Lucy, Ann, Abigail and Betseyne Jayne

The first 7 are full, and the last two half blood,

The said Elizabeth Jayne married Dudley Mann
she is now dead and left 10 children whose names are
and were Susan, Elizabeth, Eleanor, Jerry, Mary
Hannah, Martin S. David H. Manion and John B.
Mann, this last one is dead, but he left one son whose
name is Jas. P. Mann & he is entitled to his father's share.

The said Susan continued with Jacob Esfield and
the said Elizabeth with Mark A. Taylor, Eleanor with
Vernant Wood, Jerry with D. B. Clark, Mary with
J. J. Muley and Hannah with Thomas Jones.

The said Barbara D. Jayne died leaving 4 children
whose names are and were Cynthia, James
H. Manion, and Samuel Jayne.

The said Cynthia first continued with said
R. B. Davent, and is now the wife of Mr. Bubb and
the said Manion married G. H. Charville.

The said Lucy Jayne married William Munn &
died leaving three children namely James J., Hannah
and Elizabeth Munn.

The said Hannah Munn married Samuel Jones
and the said Elizabeth, Nathaniel Smith.

The said Barbara Jayne married Martin Sims
by whom she had three children & died, to wit James
M. John D. and Mary Sims.

The said Mary Sims married Samuel Bessett
by whom she had one daughter R. Bessett and then
died and the said R. Bessett was married a
second time to the name of Rebecca Johnson, and
these are the generations of men & women ^{& children} connected
and interested in this suit as this defendant is informed.

I now file herewith another paper marked A.C. which
is a Statement showing the amount of rents in Mr.
Duncan's hands & which will be true when collected
due the heirs or creditors, after deducting expenses
and the taxes on said land, so far as the same have been
paid by Mr. Duncan. This Statement is brought down
to Sept 1 1890 and in it is included the rents for this
year of \$145.00 but as to this sum there to be in his hands
which was due until June 1 1881, the same will be charged
with interest thereon until after that time.

This Statement of Mr. Duncan's account contains the
same number of Special Statements and is made
upon the same principles of that of Mr. Rogers, and
will exhibit that I have sent so stated it as to make the
accruing interest bear interest, and it shows the
same due each set of heirs and the same amount
indivisible in, including brother & sister & half brother & sister
and all the collateral relatives & associates.

The creditors of R. B. Davenport, I learn are setting up
a claim to the ~~entire~~ fund in the Jaynes & Duncans
lands, but this claim I do not think they can
sustain. The heirs of R. B. Davenport are likewise cla-
iming the entire fund, as I am informed for the
reason as against the heirs of Mariah Davenport, that
the latter did not assert their right to any part
of the land until during the year 1877, and about
the latter end of that year their share of the land was
allotted to them, and this claim I do not think
can be sustained, and as to the heirs of Mariah
Davenport they only claim a due proportion of the
rents in the lands of Messrs Jaynes & Duncan, and
this their claim I think is well taken and is sus-
tained by the law of the land.

The residue is always entitled to one third of the
rents and profits until closer is assigned her, and
the heirs as I conceive are entitled to their due proportion
of rents and profits until such time as the creditors
shall take the necessary steps to appropriate such
rents and profits to their use, and as that was
not done in this case until Mr Duncan took
charge of the land, I am therefore of opinion
that the two heirs of R. B. Davenport are entitled to
receive the \$234.37 shown to be due them in the
Jaynes lands, and that the residue of the fund
in his hands of \$213.07 must be paid to the heirs of
Mariah Davenport as shown in Special Statements

As to the fund in the Duncans hands I
am of opinion that the creditors of R. B. Davault
and the heirs of Harish Davault are entitled to
the same, and that of that fund the creditors
are entitled to \$273.75 and the heirs of Harish
to \$248.87 and this last sum to be distributed
among the brothers and sisters and half brothers and
sisters and their descendants as shown in said
several Special Statements following the Duncans
account of rents.

I have now disposed of all matters referred to
me by the decree made which I have been acting
in the manner shown & indicated in this report
and while perhaps it may not do entire and
complete justice to all, yet I think it approximates
that fairly, and that is about as much as might
under the circumstances to be expected.

All which is respectfully submitted

Henry J. Morgan Clerk

The creditors of R. B. Davault deceased ~~except~~ to so
much of the report of H. J. Morgan Commissioner in
this case as goes to said heirs of R. B. Davault
the sum of \$234.57 shown to be in the hands

of James H. Payne Guardian of said infants
The Court by its decree in this case pronounced
and entered on the day of
having directed said rents to be paid to the
Creditors and besides said rents all assets
descended to said heirs, which the Creditors
have ~~an equal~~ ^{the same} right, to appropriate to their
debts as they do the lands from which said
rents arise -

Aug 31st 1880

Morison & Duncan
for the Creditors

William Jayne Smith

at St. James's Square

is at St. James's Square

at St. James's Square

at St. James's Square

at St. James's Square

at St. James's Square

John Payne & others

Defts

vs

J. L. Chaney.

Wm. Layne & others

Defts

To the Honorable John A. Kelly Judge of the Circuit
Court of Lee County Virginia

Pursuant to a decree rendered and pronounced
in the above styled cause on the 4th day of
December 1879. the undersigned who was appointed
a commissioner for the purpose. after first giving
notice of the time place and terms of sale as required
by said Decree. of or said. on the 20th day of April
1880 that being Court day of said for sale at the
front door of the Court house in Jonesville the lands
laid off and assigned to the heirs of Moriah Da-
vantz in the partition of the lands of R.B. & Moriah
Davantz. and J. P. Albert being the highest and
best bidder the land was knocked down to him
at the price of Nine hundred twenty one ²⁵/₁₀₀ dollars of which
he paid down in cash the sum of \$ 92.89. and
executed his note for \$ 828.36 the residue thereof
payable in 6. 12. & 18 months bearing interest
from date, with J. P. Albert as security. This
note is perfectly good and the sale a very fair
one. of the sum paid down to me I retained
my fee as attorney & commissioner of sale
amount together to the sum of \$ 12.44 I paid
to Thomas S. Ely Sheriff \$ 700 his fee. and
file his receipt for the same marked (1)

to Eli Davis his fee as Commissioner \$10.00
 his receipt for which is here with filed marked (2)
 to Charles Willoughby Editor of Sentinel for
 publication \$5.00 his receipt for which is here
 filed marked (3) to J. H. Orr. Clerk of the bill for
 \$6.47 his receipt for which is here filed marked (4)
 and to J. H. Orr as representative of Pitt Orr for
 the Guardian advertisement for \$8.00 his receipt
 for which is here with filed marked (5) to H. J.
 Morgan his fee as Comy \$5.00 his receipt for which
 is here with filed marked (6). which comes in
 my hands for estimated costs ^{of chain carriers} the sum of \$12.00
 all of which is respectfully submitted

Aug 4th 1880.

C. T. Duncan Commissioner

Let the papers it also
 25-
 Com. Report.

Let the papers it also

Filed Aug 6th 1880

H. R. Shepley

(100)

Received of C. T. Duncan ~~cash~~ in the Chancery
Cause of John Payne et al vs Wm Payne et al.
One dollar & fifty cents amt of claims of
Francis Morison & A Collingsworth for carry-
ing the claims in the partition of these
lands in said cause - This Jun 21st 1890

Attest

J. R. Stickley

Wm A^{his} Collingsworth
morse

Francis Harrison ^{et al}

To $\frac{1}{2}$ Rept

G. L. Duncan

John Jayne & Sons

78

William Jayne.

3 In Chancery

To the Honorable John A. Kelly Judge
of the Circuit Court of Lee County, Va.

The undersigned who was by a decree
of your Honorable Court heretofore rendered
in the above styled cause to ~~W~~ collect the
purchase price of the lands of Mariah Daxall
sold in said cause hego leave to ~~W~~ report.
That the note he was thus directed to collect
was for the sum of \$238.36 due in three equal
installments of 6, 12, & 18 months bearing inter-
est from date

1st installment due Oct 20th 1880. / 276.87

Six months interest. 8.28

2^d installment due Apr 20 1881. 276.12

12 Months interest. 16.56

3rd installment due Oct 20th 1881. 276.12

Eighteen month interest. 24.84

Making total sum to be collected. 878.04

All of which has been collected.

Now this sum was to be divided into eight and
one half parts. This being seven full, and
one half share. It follows then that each
full share is entitled to receive out of said
fund the sum of \$108.82. and each half
share the sum of \$54.66.

Of these sums I have paid to James H. Payne
his full share. \$103.32 his receipts for which
are here with filed. Moved 1. to Eleanor Payne
her part \$103.32 her receipts for which are
here filed moved (2) to Martin S. Payne his
part \$103.32 his receipts for which are here
filed moved (3). to the heirs of Lucy Muncey.
to wit J. J. Muncey, Hannah Jones formerly Muncey,
and Samuel Jones her husband, and Eliza
with Southern formerly Muncey, & Nathaniel
Southern her husband \$103.32 their part. Their
receipts for which are here filed Moved (4)
to John Payne \$103.32, his part his receipts
for which are here filed moved (5) to the heirs
of B. S. Payne to wit Cynthia A. Bobb & her hus-
band W. A. Bobb. James H. Payne & Samuel
Payne 3 of said heirs. The sum of \$77.49, their
receipts for which are here filed moved (6) the
part of Minerva Charlesville & her husband
to wit \$2083, is still due & in my hands.
The share of the heirs of Elizabeth Warren
formerly Payne, \$103.32 is still in my hands
and I have not yet been able to find said heirs
This is all the full shares in said fund I
have paid to Wm Payne half share, his part \$166
his receipt for which is here filed moved (7)
to Abigail Doughterty \$5166 her share her
receipt for which is here filed moved (8)

To the heirs of Catherine Sims to wit
James H. Sims John D Sims, R. Johnson
& her husband Their joint \$5166 Their receipts
for which are here filed numbered (9).

The purchasers of said land desire a deed
and are entitled to it, and your commission
some reasons that are be made to
them. Respectfully submitted.

March 18th 1882.

C. T. Duncan Comr

John Jayne & others
vs $\frac{1}{2}$ Receivers Report

Wm Jayne & others

Filed March 16th 1882

J. H. Stuart
(Att'y)

To the Honorable John A. Kelly Judge of
the Circuit Court of Lee County Va.

The undersigned who was by a
decree of your Honors Court ordered &
pronounced on the day of
1882 in the Chancery cause of John Jay
et al vs Wm Jayne & others to convey by
deed with Special warranty the land
in the bill and proceedings in said cause
mentioned, heretofore sold by him to
J. P. Albert, the purchaser begs leave to
report that he has performed the duty
thus assigned him, and he files said
deed properly acknowledged, herewith
as part here of record D, and ~~that~~ so
there is now nothing remaining to be
done in said cause except to pay to
the heirs of Elizabeth Worren death the
sum in said Commissioners hands
and the sum to Minerva Chorliffe
the sum due her said cause might
be stricken from the docket with leave
to said Commissioner when he pays
said sum to said parties to report the
same to Court, and have himself dis-
charged by a proper order -

Respectfully submitted

C. T. Duncan Com

John Jayne et al

vs- 3 Report & find

John Jayne et al

Filed Apr 1, 1882

J. A. Hyatt
clerk

To the Honorable John A. Kelly Judge of
the Circuit Court of Lu County, Va

The undersigned Commissioners
in the Chancery cause of James H. Jayer
~~vs~~ ^{Doravett,} Cyertine A. ~~Booth~~ et als and Samuel
P. Jayer and Minerva Charleville on Petition
begs leave to report That pursuant to the
terms of a decree rendered on said Petition
he on the 20th day of January 1880 sold the
two lots or parcels of land laid off and
assigned to the said Samuel P. Jayer
and Minerva Charleville in the partition
and their overresponsory interest in the ~~land~~
of the lands of G. S. Jayer dec'd, and that
at said sale one A. R. Surgeon became
the purchaser at the price of \$1350. That
of that sum the said Surgeon paid down
\$61.47 the costs and commissions of sale,
which sum was paid out by your court
to the Officers entitled thereto receipts for
which were taken and are now in the hands
of your Commissioners. Leaving a balance
of \$1288 53 going to said Jayer and Charleville
one half of which was to be paid down
and the other half on two years time.
Of the sum required to be paid down your
Commissioners has collected much the
largest portion and he has fully paid
and discharged the part to wit \$644.26
going to Mrs Charleville her receipts

land of G. S. Jayer dec'd and assigned to Mrs Jayer and Charleville

for which are now in his possession
the balance that is still due from said
Surgener is therefore going to your honor
The other half \$644.26 going to Samuel
Jayne has been fully paid by Mr Surgener
to Mr Jayne whose receipt for the
same is also in the hands of your Court.

Mr Surgener has since that time
sold this land to one James F. Abbott
to whom he desires it shall be con-
veyed. And as Mr Surgener
is amply good for the balance
due to your Commissioner on said
land, and the said Surgener's
Vendee desiring a deed Your
Commissioner has executed one
and here files it as part of this
report and when said Sale and
deed are confirmed there is nothing
further to be done in this case
and it may be stricken from
the docket.

Aug 29 1884 Respectfully Submitted
C. T. Duncan
Clerk

James H. Fayre

vs $\frac{3}{3}$ Report.

Cynthia A. Dorantt et al

Plot of Swarth Land

(No 5)



This Indenture made this day of May in the year of
our Lord one thousand eight hundred and fifty eight
between James Payne Sr. of the County of Lee and State
of Georgia of the first part and Russell B. Kewitt
and Maria his wife of the County and State aforesaid
of the second part. Witnesseth that the said James
Payne Sr. for and in Consideration of the sum of one
thousand dollars good and lawful money of the United
States to him in hand paid the receipt whereof is hereby
acknowledged do grant bargain sell and deliver unto
the said Russell B. Kewitt and Maria his wife, a cer-
tain tract or parcel of land supposed to contain about
Ninety Acres be the same more or less lying and
being in the County and State aforesaid and the wa-
ters of Hall's Creek. Bounded as follows: Beginning
at a large poplar a corner to Snygh's Survey No 60
poles to a corner of Benjamin S. Martin's land, thence S 20°
E with said Martin's line 148 poles to a corner of said Martin
thence S 65° W 102 poles to a stake thence N 20° E to the
beginning. Also an other tract containing seventy
five acres be the same more or less, lying on the
south side of Hall's Creek. Beginning on a large poplar
it being the same that is specified as the beginning of
the above boundary thence N 25° E 112 poles to a black wa-
ter thence N 20° E 154 poles to the Chert on top of
Hall's ridge and intended corner of a dividing line
between Martin's place and said Russell Kewitt and
upon a line of a tract of land purchased by said Payne

from Richardson to a popular and Chesapeake, a Corner Island
of William Marshall. These with and aboriginals of William
Marshall a line of Survey, three 860' 21/2 poles
to the beginning together with all and singular appur-
tenances to have and to hold the said tract or parcel
of land with all and singular appurtenances to the
sole use and behoof of him the said Russell B. Rowan
and Mariat his wife & forever and with the only
proper use and behoof of him the said Russell B. Rowan
and Mariat his wife forever. And the said James Jayne
Sr. for himself and his heirs with hereby Covenant, give
Confer and release by these presents unto the said
Russell B. Rowan and Mariat his wife against him
the said James Jayne Sr. and his heirs with warrant
and forever defend by these presents, In witness whereof
I the said James Jayne Sr. have hereunto subscribed my
name and affixed my seal the day and year first
above written. Signed sealed and delivered in presence
of

James Jayne Esq.

Lee County, Va.

I William Marshall a Justice of the peace for the County
aforesaid in the State of Virginia do certify that James
Jayne Sr. whose name is signed to the writing within
has signed on the 13th day of May 1858. has acknowledged
the same before me in my County aforesaid. Given under
my hand this 13th day of May 1858.

William Marshall J. P.

Virginia

At a Court begun and held for Lee County
at the Court House thereof, on the 18th day
of May 1858.

This Indenture of bargain and sale for land between James
Jayne Sr. of the one part and Russell B. Rowan and
Mariat his wife of the other part, admitted to record upon
the Certificate of Justice of Lee County.

Teste - J. B. Morrison C. C.

A Copy

Teste - R. W. Carr Esq. J. C.

R. M. Danforth
to George Reed
James Jayne Sr.

1/1
A

\$525.00

By the first day of June next with
interest from date we or either of us
bind ourselves, heirs &c to pay Charles
S. Duncan, Comptroller in the Cause of
James H. Jayne against Samuel Jayne and
others, the sum of Five Hundred & Twenty
five Dollars for value Received. And
as to this obligation we each waive the bene-
fit of our Homestead Exemption. Witness
our hands & seals this the 2nd day of De-
cember 1879.

William H. Babcock Seal
James H. Jayne Seal
A. R. Surgen Seal

"S"

"S"

\$525⁰⁰

Two years after date with interest from
date we or either of us bind ourselves, heirs
&c to pay Charles S. Duncan, Com^r. in the Cause
of James H. Jayne against Samuel Jayne & others
the sum of Five Hundred & Twenty five Dollars
for value received, And as to this obligation we
each waive the benefit of our Homestead
Exemption. Witness our hands & Seals this 2nd
day of Dec^r. 1879

William A. Smith
James H. Jayne

& R. Surgeon

"B"

I will give for the land that is the
two lots, and the two interests in the
down \$1075.- and will pay \$600 on
the 1st day of Jan'y, 1880. and will
give bond with good security for
the \$475.- payable in two years
before my interest from date
Given under my hand this
2 day of Decr 1879
J. P. Albert

(6)

Received of C. F. Doremus Esq. in the City Cause of
John Jayne et als against ~~Thos~~ Jayne et als, Seven dollars
my fee for services in said cause, Apr 20th 1880.

Thos. S. Ely & L. L. Le

J. S. & Co. Shreve
to 3 Rept.
C. J. Duncan com

(11)

Received of C. T. Duncan Commissioner in the
Chancery cause of John Payne it also vs. John Payne
it also. ~~Less~~ dollars my fee for services as a
Commissioner in partitioning the lands ~~between~~ in
said suit between the heirs of R. B. Darvill &
Moriah Darvill both deceased This 20th day
of April 1880

Eli David Com.

26 Dec
To 3 Rept
On. Duncan's

(2)

Jan

Recd, Dec- 22 1879. of Atkalin
Jayne five dollars. the publi-
cation fee in ^{city} court of John
Jayne et al vs. A. Douglass
& others -

Chas. McLoughly, -
Pubr. Sentinel

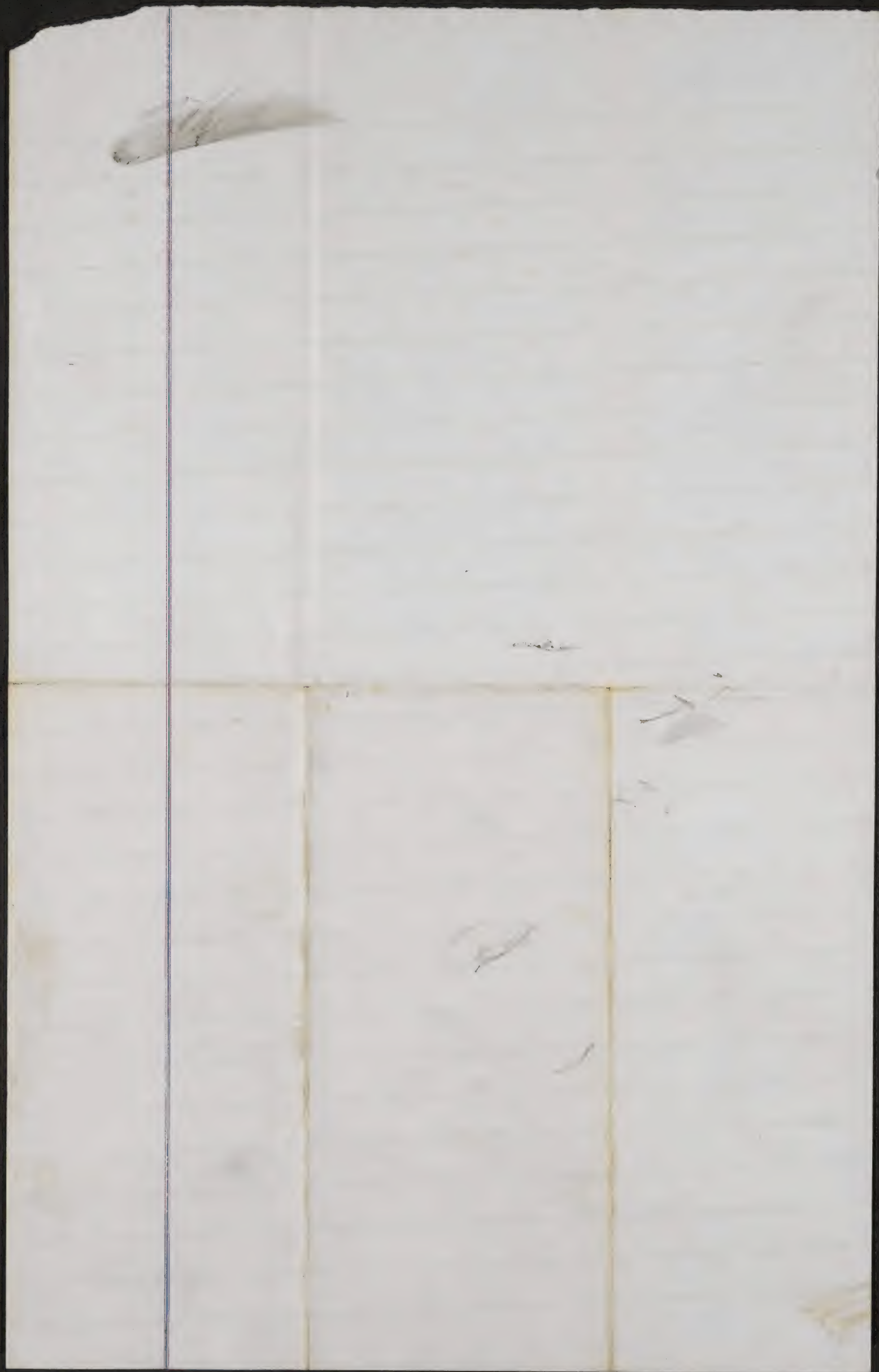
6. 11/11/11
J. B. Rept.
6. 1/11/11



Two years after date with interest from
date we bind ourselves jointly and
severally to say C. T. Duncan Commis-
sioner in the Chancery Court of
Illinois at Payne vs. Cunningham & An-
vult & others and the case of Samuel
Payne & another on petition the sum
of six hundred and forty four dollars
and twenty six cents value received
in land and with this obligation
we wish to give the benefit of our
homestead exemption. Witness
our hands and seals this 20th day
of January 1880.

I H. T. Lee
A. N. Surges

Amount of purchase	\$1350
Redeem cost, paid	61.47
Notes due 2 years -	\$1388.53
To be paid down	644 26 $\frac{1}{2}$
Jan'y 23. Redeem cost paid	644 26 $\frac{1}{2}$
But due	43.53
	\$600.73 $\frac{1}{2}$



Received of C. T. Duncan commission
in the bankruptcy case of J. H. Layman
25. Cynthia A. Davault et al. and Samuel
Layman & another are petitioners two dollars
and 77 cents (\$2.77) my costs on said
petition. This 20th day of June 1880.

James H. Cox Clerk

Minerva Chuckville & J. P. Payne

To Wm. Payne Comr.

To this sum for partitioning lands of C. S. Payne 3.00

" " " " Valuing lands. " $\frac{3.00}{\$ 6.00}$

Received of C. S. Duncan Comr. in the Chancery
court of James & Payne vs Cynthia Abbott
and Samuel Payne & Minerva Chuckville
on Petition \$4 dollars, for my services as
above and for having said report written
this 12th day of December 1882.

William Payne Comr.

Mr Jayne

To Right

G. T. Wason

Received of C. T. Duncan Commissioner in
the Chancery cause of John Jayne & others against
William Jayne & others, five dollars my fee as
Clerk of the Commissioners of partition in said
cause, this 1st day of July 1880.

Henry J. Morgan

$$\begin{array}{r}
 3 \overline{) 828.36} \\
 \underline{276} \\
 828.36
 \end{array}$$

$$\begin{array}{r}
 276.12 \\
 \underline{1686.72} \\
 2761.2 \\
 17 \overline{) 292.68} \quad 17.21\frac{1}{2} \\
 \underline{17} \\
 122 \\
 \underline{119} \\
 36 \\
 \underline{34} \\
 28
 \end{array}$$

$$\begin{array}{r}
 2000 \\
 \underline{1721} \\
 279
 \end{array}$$

Virginia In the Clerk's office of the Circuit Court of Loudoun County the 27th day of Sept 1858

John James et al vs

opposed

John James Sr et al

Deeds

In Chancery

The object of this Suit is to partition the lands of which R. B. Knappe dec'd seized and possessed, among those entitled thereto or to partition and sell the same. And it appears from an affidavit filed in the Cause, that the said deceased Susan Knappe and Jacob Knappe her husband, Elizabeth Taylor & Mr. A. Taylor her husband, Eleanor Ward and Vincent Ward her husband, Jennie Clark & Mr. Clark her husband, Mary Malloy & J. B. Malloy her husband, Hannah Jones & Thomas Jones her husband, Martin S. Warner, Marion Warner J. P. Warner Minerva Warner & S. H. Warner her husband, Hannah Jones & Samuel Jones her husband, James M. Sims R. J. Johnson Richard Johnson her husband are non residents of this State. It is therefore ordered, that they appear within one month after the publication of this order, and so as is necessary to protect their interests in this Suit.

A copy

Teste James H. Orr Clerk

Marion Warner, 22

I certify that on Monday the first day of the October Term 1858 of the Circuit Court of Loudoun County I read each of the above ordered to appear before the said Court and gave notice thereof to the persons named in the said order. James H. Orr Clerk

John Jay & Co
as Agents for the
the above to be sold

Early in September,

John Joseph & Son
333 Broadway
New York

Nov. Rules 1878.

Cynthia A. Bulb
 Wm. Bulb
 James H. Wayne
 Samuel Wayne
 Jacob C. Cravalt
 Mary J. Cravalt
 James H. Cravalt
 Elizabeth Louther Land
 Isaac Louther Land
 Abigail Daugherty and
 Wm. Wayne 'Senr.'
 J. S. July 1840.

The Commonwealth of Virginia,

To the SHERIFF of Lee County---Greeting:

We COMMAND You to Summon *Elizabeth A. Dovault*

Rosa Albert Samuel Jayne Minerva Lehotsvill
and *G. W. Lehotsvill* her husband

to appear before the Judge of the Circuit Court of Lee County, at the Court-House, in
the Clerk's Office, at *August* Rules next, to answer a bill in Chancery,
exhibited in our said Court, against *them* by *James H. Jayne*

And have then there this writ. Witness, James W. Orr, Clerk of our said Court, at
the Court-House, this *1st* day of *August* 187*7*, in the 10 *our* 2 year of
the Commonwealth.

R. W. Orr, Jr. D. Clerk.

James H. Jayne
vs { Shain Chy

Cynthia A. Davault
et als

Aug. Rules 1877

We accept the legal
service of the within sum-
mons. Aug 1st 1877.

Cynthia A. Davault

Rosa, Albert

Teste.

James W. Jayne

Accepted service for W. H. Schuster Aug 10th 1877

POSITIVELY THE LARGEST CIRCULATION OF

VIRGINIA :—In the Clerk's office of the Circuit Court of Lee county, the 27th day of Sept., 1878.

JOHN JAYNE et als, Pltff's.

against

WM. JAYNE, sr. et als, Defts.

} In Chancery.

The object of this suit is to partition the lands of which R. B. Davault died seized and possessed, among those entitled thereto, or to partition and sell the same; and it appearing from an affidavit filed in the cause that the defendants Susan Copeland and Jacob Copeland her husband, Elizabeth Taylor and M. A. Taylor her husband, Eleanor Wood and Vincent Wood her husband, Jennie Clark and D. C. Clark her husband, Mary Maloy and J. T. Maloy her husband, Hannah Jones and Thomas Jones her husband, Martin S. Warren, Marion Warren J. P. Warren, Minerva Charville and G. W. Charville her husband, Hannah Jones and Samuel Jones her husband, James M. Sims, R. J. Johnson and Richard Johnson her husband, are nonresidents of this State. It is therefore ordered that they appear here within one month after due publication of this order and do what is necessary to protect their interest in this suit.

A copy—T. sic. JAMES W. ORR, Clerk
(Oct 14w85) *Morrisson & Luncheon P. Q.*

business, and could not if they would. Five liquor houses for the most part are closed and provision stores as a rule are empty. The greatest need is provisions, clothing, hygienics, and medicines. The best thing

ANY NEWSPAPER IN S. W. VIRGINIA.

LEE COUNTY SENTINEL,

Democratic. \$1.50 a Year,

Charles Willoughby, Owner & Editor.

Gonesville, Va.,

187

I hereby certify that a chancey order of which the annexed is a copy, was printed four successive weeks in the "Lee Co. Sentinel," a weekly newspaper published in the Commonwealth of Virginia. Publication ending today Oct. 25, 1878.

Charles Willoughby, Pub.

John Jayne, et als.
w } Robt. Carlisle -
3 }
James Jayne et als

THE COMPTON & CO. PRINTING OFFICE